

By Senator Thrasher

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1 A bill to be entitled
2 An act relating to education; amending s. 1002.33,
3 F.S.; authorizing a charter school operated by a
4 provider that is approved by the Department of
5 Education to provide online instruction; requiring
6 that such provider comply with the charter application
7 process and serve students in the school district in
8 which the charter is granted; providing that a virtual
9 charter school is exempt from requirements relating to
10 educational facilities and student transportation;
11 revising provisions relating to charter schools-in-
12 the-workplace when a business partner provides the
13 school facility to be used; providing that such
14 business partner is not prohibited from charging a
15 reasonable amount of rent; providing for the
16 retroactive application of such rent on any lease
17 agreement entered into on or before a specified date;
18 amending s. 1002.37, F.S.; revising provisions
19 relating to funding for the Florida Virtual School to
20 conform to changes made by the act; amending s.
21 1002.41, F.S.; revising provisions relating to home
22 education students to allow them to enroll in courses
23 offered by the Florida Virtual School, or a franchise
24 of the Florida Virtual School, and in courses offered
25 in their local school districts; requiring that each
26 school district release directory information to
27 organizations recognized by the Department of
28 Education which provide support and information to the
29 home education students and their parents or

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30 guardians; amending s. 1002.42, F.S.; exempting
31 certain Florida-based private schools from
32 requirements for school attendance records and
33 reports, school-entry health examinations, and
34 immunizations; amending s. 1002.45, F.S.; revising
35 provisions relating to school district virtual
36 instruction programs; revising the definition of the
37 term "virtual instruction program" to conform to
38 changes made by the act; requiring that the Department
39 of Education provide an application form to potential
40 virtual instruction program providers by a specified
41 date each year; requiring that the department provide
42 a list of approved providers to school districts by a
43 specified date each year; revising the qualifications
44 required for virtual instruction program providers to
45 be approved by the department; revising the
46 requirements for school district virtual instruction
47 programs; removing certain requirements for contracts
48 with approved providers; revising provisions relating
49 to student eligibility and enrollment in a virtual
50 instruction program; revising provisions relating to
51 the funding of school district virtual instruction
52 programs; removing certain provisions pertaining to
53 the assessment and accountability of approved
54 providers; requiring that the department post certain
55 information on its website regarding the virtual
56 instruction programs available in each county;
57 requiring that each school district differentiate
58 between a school district virtual instruction program,

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59 the Florida Virtual School, and a home education
60 program; requiring that each school district post
61 certain information on its website regarding online
62 opportunities; amending s. 1003.428, F.S.; revising
63 the general requirements for high school graduation to
64 require at least one online course; amending ss.
65 1006.28 and 1006.40, F.S.; revising provisions
66 relating to the duties of district school boards
67 regarding K-12 instructional materials and the use of
68 such materials to include computer hardware; amending
69 s. 1011.61, F.S.; revising the definition of the term
70 "full-time equivalent student" to conform to changes
71 made by the act; requiring that the State Board of
72 Education adopt rules defining the term "fraction of a
73 full-time equivalent student" for students in grades
74 kindergarten through 5 who are enrolled in a virtual
75 instruction program; amending s. 1012.57, F.S.;
76 revising provisions relating to the certification of
77 adjunct educators; authorizing school districts to
78 issue adjunct certificates to qualified in-state or
79 out-of-state applicants who seek to provide online
80 instruction to Florida students; providing an
81 effective date.

82
83 Be It Enacted by the Legislature of the State of Florida:

84
85 Section 1. Subsection (1) and paragraph (b) of subsection
86 (15) of section 1002.33, Florida Statutes, are amended to read:
87 1002.33 Charter schools.—

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88 (1) AUTHORIZATION.—Charter schools shall be part of the
89 state's program of public education. All charter schools in
90 Florida are public schools. A charter school may be formed by
91 creating a new school or converting an existing public school to
92 charter status. A public school may not use the term charter in
93 its name unless it has been approved under this section. A
94 charter school operated by a provider that is approved by the
95 Department of Education under s. 1002.45 may be formed to
96 provide online instruction. The provider of online instruction
97 for a virtual charter school must follow the charter application
98 process specified in this section and serve students in the
99 school district in which the charter is granted. A virtual
100 charter school is not subject to or governed by the provisions
101 of this section which pertain to facilities or student
102 transportation.

103 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-
104 A-MUNICIPALITY.—

105 (b) A charter school-in-the-workplace may be established
106 when a business partner provides the school facility to be used;
107 enrolls students based upon a random lottery that involves all
108 of the children of employees of that business or corporation who
109 are seeking enrollment, as provided for in subsection (10); and
110 enrolls students according to the racial/ethnic balance
111 provisions described in subparagraph (7)(a)8. Any portion of a
112 facility used for a public charter school shall be exempt from
113 ad valorem taxes, as provided for in s. 1013.54, for the
114 duration of its use as a public school. However, this paragraph
115 does not prohibit the business partner from charging a
116 reasonable amount of rent to the sponsor in exchange for

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117 providing the school facility. The authority to charge a
118 reasonable amount of rent under this paragraph shall apply
119 retroactively to any lease agreement that was entered into
120 pursuant to this subsection on or before July 1, 1998.

121 Section 2. Subsection (3) of section 1002.37, Florida
122 Statutes, is amended to read:

123 1002.37 The Florida Virtual School.—

124 (3) Funding for the Florida Virtual School shall be
125 provided as follows:

126 (a) A "full-time equivalent student" for the Florida
127 Virtual School is one student in grades 9 through 12 who has
128 successfully completed six credits that shall count toward the
129 minimum number of credits required for high school graduation. A
130 student who completes fewer ~~less~~ than six credits shall be a
131 fraction of a full-time equivalent student. Half-credit
132 completions shall be included in determining a full-time
133 equivalent student. ~~Credit completed by a student in excess of~~
134 ~~the minimum required for that student for high school graduation~~
135 ~~is not eligible for funding.~~

136 (b) A "full-time equivalent student" for the Florida
137 Virtual School is one student in grades kindergarten through 8
138 who has successfully completed six courses or learns the
139 prescribed level of content that counts toward promotion to the
140 next grade. A student who completes fewer than six courses or
141 who fails to learn the prescribed level of content shall be a
142 fraction of a full-time equivalent student.

143 (c) ~~(b)~~ Full-time equivalent student credit completed
144 through the Florida Virtual School, including credits completed
145 during the summer, shall be reported to the Department of

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146 Education in the manner prescribed by the department and shall
147 be funded through the Florida Education Finance Program.

148 (d)~~(e)~~ School districts may not limit student access to
149 courses offered through the Florida Virtual School.

150 (e)~~(d)~~ Full-time equivalent student credit completion for
151 courses offered through the Florida Virtual School shall be
152 reported only by the Florida Virtual School. School districts
153 shall report full-time equivalent student membership only for
154 courses for which the district provides the instruction.

155 (f)~~(e)~~ The district cost differential as provided in s.
156 1011.62(2) shall be established as 1.000.

157 (g)~~(f)~~ The Florida Virtual School shall receive funds for
158 operating purposes in an amount determined as follows: multiply
159 the maximum allowable nonvoted discretionary millage for
160 operations pursuant to s. 1011.71(1) by the value of 95 percent
161 of the current year's taxable value for school purposes for the
162 state; divide the result by the total full-time equivalent
163 membership of the state; and multiply the result by the full-
164 time equivalent membership of the school. The amount thus
165 obtained shall be discretionary operating funds and shall be
166 appropriated from state funds in the General Appropriations Act.

167 (h)~~(g)~~ The Florida Virtual School shall receive additional
168 state funds as may be provided in the General Appropriations
169 Act; however, such funds may not be provided for the purpose of
170 fulfilling the class size requirements in ss. 1003.03 and
171 1011.685.

172 (i)~~(h)~~ In addition to the funds provided in the General
173 Appropriations Act, the Florida Virtual School may receive other
174 funds from grants and donations.

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175 Section 3. Present subsections (5) through (9) of section
176 1002.41, Florida Statutes, are redesignated as subsections (6)
177 through (10), respectively, and a new subsection (5) and
178 subsection (11) are added to that section, to read:

179 1002.41 Home education programs.—

180 (5) Home education students may enroll in courses offered
181 by the Florida Virtual School created in s. 1001.37, or a
182 franchise of the Florida Virtual School, and may enroll in
183 courses offered in the school district in which the student
184 resides.

185 (11) Each school district shall release directory
186 information regarding students who are enrolled in home
187 education programs to established state home education
188 organizations recognized by the Department of Education which
189 provide support and information to home education students and
190 their parents or guardians.

191 Section 4. Present subsection (15) of section 1002.42,
192 Florida Statutes, is redesignated as subsection (16), and a new
193 subsection (15) is added to that section, to read:

194 1002.42 Private schools.—

195 (15) EXEMPTIONS FOR CERTAIN PRIVATE SCHOOLS.—A Florida-
196 based private school that provides an education program to K-12
197 students solely through distance learning, including virtual or
198 correspondence courses, and does not enroll and teach students
199 at a physical location, is exempt from the requirements in
200 subsections (4), (5), and (6) and ss. 1003.22 and 1003.23(2).

201 Section 5. Section 1002.45, Florida Statutes, is amended to
202 read:

203 1002.45 School district virtual instruction programs.—

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204 (1) PROGRAM.—

205 (a) For purposes of this section, the term:

206 1. "Approved provider" means a provider that is approved by
207 the Department of Education under subsection (2), the Florida
208 Virtual School, or a franchise of the Florida Virtual School.

209 2. "Virtual instruction program" means a program of
210 instruction provided in an interactive learning environment
211 created through technology in which students are separated from
212 their teachers by time or space, or both, and in which a
213 certified teacher is responsible for planning instruction,
214 diagnosing student learning needs, prescribing content delivery,
215 assessing student learning, reporting outcomes, and evaluating
216 the effects of instruction ~~Florida-certified teacher under~~
217 ~~chapter 1012 is responsible for at least:~~

218 a. ~~Fifty percent of the direct instruction to students in~~
219 ~~kindergarten through grade 5; or~~

220 b. ~~Eighty percent of the direct instruction to students in~~
221 ~~grades 6 through 12.~~

222 (b) ~~Beginning with the 2009-2010 school year,~~ Each school
223 district shall provide eligible students ~~within its boundaries~~
224 the option of participating in a virtual instruction program.
225 The purpose of the program is to make instruction available to
226 students using online and distance learning technology in the
227 nontraditional classroom. The program shall be:

228 1. Full-time or part-time for students enrolled in
229 kindergarten through grade 12.

230 2. Full-time or part-time for students enrolled in dropout
231 prevention and academic intervention programs under s. 1003.53
232 or Department of Juvenile Justice education programs under s.

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233 1003.52 in grades 9 through 12.

234 (c) To provide students with the option of participating in
235 virtual instruction programs as required by paragraph (b), a
236 school district may:

237 1. Contract with the Florida Virtual School or establish a
238 franchise of the Florida Virtual School for the provision of a
239 program under paragraph (b). Using this option is subject to the
240 requirements of this section and s. 1011.61(1)(c)1.b.(III) and
241 (IV).

242 2. Contract with an approved provider under subsection (2)
243 ~~for the provision of a full-time program under subparagraph~~
244 ~~(b)1. or a full-time or part-time program under subparagraph~~
245 ~~(b)2.~~

246 3. Enter into an agreement with another school district to
247 allow the participation of its students in an approved virtual
248 instruction program provided by the other school district. The
249 agreement must indicate a process for the transfer of funds
250 required by paragraph (7)(b).

251
252 Contracts under subparagraph 1. or subparagraph 2. may include
253 multidistrict contractual arrangements that may be executed by a
254 regional consortium for its member districts. A multidistrict
255 contractual arrangement or an agreement under subparagraph 3. is
256 not subject to s. 1001.42(4)(d) and does not require the
257 participating school districts to be contiguous.

258 (d) A charter school may enter into a joint agreement with
259 the school district in which it is located for the charter
260 school's students to participate in the school district's
261 virtual instruction program.

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262 (2) PROVIDER QUALIFICATIONS.—

263 (a) On or before October 31 of each year, the department
264 shall provide an application form to providers seeking to
265 operate a virtual instruction program. On or before March 1 of
266 each year, the department shall ~~annually~~ provide school
267 districts with a list of providers approved to offer virtual
268 instruction programs. To be approved by the department, a
269 provider must document that it:

270 1. Is nonsectarian in its programs, admission policies,
271 employment practices, and operations;

272 2. Complies with the antidiscrimination provisions of s.
273 1000.05;

274 3. ~~Locates an administrative office or offices in this~~
275 ~~state, requires its administrative staff to be state residents,~~
276 Requires all instructional staff to be state-certified or
277 nationally certified educators ~~Florida-certified teachers under~~
278 ~~chapter 1012,~~ and conducts background screenings for all
279 employees or contracted personnel, as required by s. 1012.32,
280 using state and national criminal history records;

281 4. Possesses prior, successful experience offering online
282 courses to elementary, middle, or high school students; ~~and~~

283 5. Is accredited by the Southern Association of Colleges
284 and Schools Council on Accreditation and School Improvement, the
285 North Central Association Commission on Accreditation and School
286 Improvement, the Middle States Association of Colleges and
287 Schools Commission on Elementary Schools and Commission on
288 Secondary Schools, the New England Association of Schools and
289 Colleges, the Northwest Association of Accredited Schools, the
290 Western Association of Schools and Colleges, or the Commission

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291 on International and Trans-Regional Accreditation;—

292 6. Has a detailed curriculum plan illustrating how students
293 will be provided services to attain proficiency in the Sunshine
294 State Standards;

295 7. Has a method for determining that a student has
296 satisfied the requirements for graduation in s. 1003.428, s.
297 1003.429, or s. 1003.43, if the contract is for providing a
298 full-time virtual instruction program to students in grades 9
299 through 12; and

300 8. Has provided to the department a parent handbook
301 outlining parental participation and the required
302 responsibilities to participate in the program.

303 (b) An approved provider shall retain its approved status
304 for a period of 3 years after the date of the department's
305 approval under paragraph (a) as long as the provider continues
306 to comply with all requirements of this section.

307 (3) SCHOOL DISTRICT VIRTUAL INSTRUCTION PROGRAM
308 REQUIREMENTS.—Each school district virtual instruction program
309 under this section must:

310 (a) Align virtual course curriculum and course content to
311 the Sunshine State Standards under s. 1003.41.

312 (b) Offer instruction that is designed to enable a student
313 to gain proficiency in each virtually delivered course of study.

314 (c) Provide each student enrolled in the program with all
315 the necessary instructional materials.

316 (d) Provide, ~~when appropriate,~~ each full-time student
317 enrolled in the program who meets the eligibility requirements
318 for the free and reduced-price lunch program and who does not
319 have a computer or Internet access in his or her home with:

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320 1. All equipment necessary for participants in the school
321 district virtual instruction program, including, but not limited
322 to, a computer, computer monitor, and printer, if a printer is
323 required to participate in the program; and

324 2. Access to or reimbursement for all Internet services
325 necessary for online delivery of instruction.

326 (e) Not require tuition or student registration fees.

327 (f) Provide access to the local school district's testing
328 facilities to students enrolled in the virtual instruction
329 program in a full-time virtual charter school or in the Florida
330 Virtual School who are required to or who choose to participate
331 in state assessments.

332 (4) CONTRACT REQUIREMENTS.—Each contract with an approved
333 provider must at minimum:

334 ~~(a) Set forth a detailed curriculum plan that illustrates~~
335 ~~how students will be provided services to attain proficiency in~~
336 ~~the Sunshine State Standards.~~

337 ~~(b) Provide a method for determining that a student has~~
338 ~~satisfied the requirements for graduation in s. 1003.428, s.~~
339 ~~1003.429, or s. 1003.43 if the contract is for the provision of~~
340 ~~a full-time virtual instruction program to students in grades 9~~
341 ~~through 12.~~

342 (a) ~~(e)~~ Specify a method for resolving conflicts among the
343 parties.

344 (b) ~~(d)~~ Specify authorized reasons for termination of the
345 contract.

346 (c) ~~(e)~~ Require the approved provider to be responsible for
347 all debts of the school district virtual instruction program if
348 the contract is not renewed or is terminated.

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349 ~~(d)(f)~~ Require the approved provider to comply with all
350 requirements of this section.

351 (5) STUDENT ELIGIBILITY AND ENROLLMENT.—

352 (a) A student who is a resident of the state may enroll in
353 a virtual instruction program provided by the school district in
354 which he or she resides or in a virtual instruction program
355 provided by another school district that offers a program not
356 offered in the student's district of residence. if the student
357 meets at least one of the following conditions:

358 (b) Enrollment for the following school year shall be
359 permitted from April 1 through the day prior to the start of the
360 following school year. Enrollment during the current school year
361 shall be permitted through October 1 of that school year.

362 ~~(a) The student has spent the prior school year in~~
363 ~~attendance at a public school in this state and was enrolled and~~
364 ~~reported by a public school district for funding during the~~
365 ~~preceding October and February for purposes of the Florida~~
366 ~~Education Finance Program surveys.~~

367 ~~(b) The student is a dependent child of a member of the~~
368 ~~United States Armed Forces who was transferred within the last~~
369 ~~12 months to this state from another state or from a foreign~~
370 ~~country pursuant to the parent's permanent change of station~~
371 ~~orders.~~

372 ~~(c) The student was enrolled during the prior school year~~
373 ~~in a school district virtual instruction program under this~~
374 ~~section or a K-8 Virtual School Program under s. 1002.415.~~

375 (6) STUDENT PARTICIPATION REQUIREMENTS.—Each student
376 enrolled in a school district virtual instruction program must:

377 (a) Comply with the compulsory attendance requirements of

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378 s. 1003.21. Student attendance must be verified by the school
379 district.

380 (b) Take state assessment tests within the school district
381 in which such student resides, which must provide the student
382 with access to the district's testing facilities.

383 (7) FUNDING.—

384 (a) For purposes of a school district virtual instruction
385 program, "full-time equivalent student" has the same meaning as
386 provided in s. 1011.61(1)(c)1.b.(III) or (IV).

387 (b) For a school district offering a virtual instruction
388 program through a contract with another school district pursuant
389 to subparagraph (1)(c)3., the school district in which the
390 student resides shall report full-time equivalent students for
391 the school district virtual instruction program to the
392 department in a manner prescribed by the department, and funding
393 shall be provided through the Florida Education Finance Program.
394 Funds received by the school district of residence for a student
395 in a virtual instruction program provided by another school
396 district under this section shall be transferred to the school
397 district providing the virtual instruction program.

398 (c) For a school district offering a virtual instruction
399 program pursuant to subparagraphs (1)(c)1. and 2., the school
400 district providing the virtual instruction program to the
401 student, regardless of the student's district of residence,
402 shall report full-time equivalent students for the school
403 district virtual instruction program to the department in a
404 manner prescribed by the department, and funding shall be
405 provided through the Florida Education Finance Program.

406 (8) ASSESSMENT AND ACCOUNTABILITY.—

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407 (a) Each approved provider contracted under this section
408 must:

409 1. Participate in the statewide assessment program under s.
410 1008.22 and in the state's education performance accountability
411 system under s. 1008.31.

412 2. Receive a school grade under s. 1008.34 or a school
413 improvement rating under s. 1008.341, as applicable. The school
414 grade or school improvement rating received by each approved
415 provider shall be based upon the aggregated assessment scores of
416 all students served by the provider statewide. The department
417 shall publish the school grade or school improvement rating
418 received by each approved provider on its Internet website.

419 (b) The performance of part-time students in grades 9
420 through 12 shall not be included for purposes of school grades
421 or school improvement ratings under subparagraph (a)2.; however,
422 their performance shall be included for school grading or school
423 improvement rating purposes by the nonvirtual school providing
424 the student's primary instruction.

425 ~~(c) An approved provider that receives a school grade of~~
426 ~~"D" or "F" under s. 1008.34 or a school improvement rating of~~
427 ~~"Declining" under s. 1008.341 must file a school improvement~~
428 ~~plan with the department for consultation to determine the~~
429 ~~causes for low performance and to develop a plan for correction~~
430 ~~and improvement.~~

431 (c) ~~(d)~~ An approved provider's contract must be terminated
432 if the provider receives a school grade of "D" or "F" under s.
433 1008.34 or a school improvement rating of "Declining" under s.
434 1008.341 ~~for 2 years during any consecutive 4-year period.~~ A
435 provider that has a contract terminated under this paragraph may

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436 not be an approved provider for a period of at least 1 year
437 after the date upon which the contract was terminated and until
438 the department determines that the provider is in compliance
439 with subsection (2) and has corrected each cause of the
440 provider's low performance.

441 (9) EXCEPTIONS.—A provider of digital or online content or
442 curriculum that is used to supplement the instruction of
443 students who are not enrolled in a school district virtual
444 instruction program under this section is not required to meet
445 the requirements of this section.

446 (10) MARKETING.—The Department of Education shall post on
447 its website information for students regarding the virtual
448 instruction programs available in each county. The information
449 must also include information regarding a student's right to
450 participate in programs and courses offered by districts other
451 than the one in which the student resides. Each school district
452 shall differentiate between a school district virtual
453 instruction program, the Florida Virtual School, and a home
454 education program. Each school district shall provide
455 information annually to parents and students about the parent's
456 and student's right and the parent's responsibilities to
457 participate in a school district virtual instruction program
458 under this section and in courses offered by the Florida Virtual
459 School under s. 1002.37. Each school district must post
460 information on its website regarding online opportunities,
461 including a link to the approved providers' websites.

462 (11) RULES.—The State Board of Education shall adopt rules
463 necessary to administer this section, including rules that
464 prescribe school district reporting requirements under

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465 subsection (7).

466 (12) STUDY.—The department shall review the advisability of
467 legislatively authorizing school districts to contract with
468 approved private providers for the provision of part-time
469 virtual instruction programs for students in grades 9 through 12
470 who are not enrolled in programs under ss. 1003.52 and 1003.53.
471 The department shall report its findings and recommendations to
472 the presiding officers of the Legislature and the Governor by
473 January 15, 2010.

474 Section 6. Subsection (1) of section 1003.428, Florida
475 Statutes, is amended to read:

476 1003.428 General requirements for high school graduation;
477 revised.—

478 (1) Except as otherwise authorized pursuant to s. 1003.429,
479 beginning with students entering their first year of high school
480 in the 2007-2008 school year, graduation requires the successful
481 completion of a minimum of 24 credits, an International
482 Baccalaureate curriculum, or an Advanced International
483 Certificate of Education curriculum. Students must be advised of
484 eligibility requirements for state scholarship programs and
485 postsecondary admissions. For students entering their first year
486 of high school in the 2009-2010 school year, at least one course
487 shall be taken online. However, online courses taken during
488 grades 6 through 8 shall count toward fulfilling this
489 requirement.

490 Section 7. Subsection (1) of section 1006.28, Florida
491 Statutes, is amended to read:

492 1006.28 Duties of district school board, district school
493 superintendent; and school principal regarding K-12

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494 instructional materials.—

495 (1) DISTRICT SCHOOL BOARD.—The district school board has
496 the duty to provide adequate instructional materials for all
497 students in accordance with the requirements of this part. The
498 term “adequate instructional materials” means a sufficient
499 number of textbooks or sets of materials that are available in
500 bound, unbound, kit, or package form and may consist of hard-
501 backed or soft-backed textbooks, consumables, learning
502 laboratories, manipulatives, electronic media, and computer
503 hardware, courseware, or software that serve as the basis for
504 instruction for each student in the core courses of mathematics,
505 language arts, social studies, science, reading, and literature,
506 except for instruction for which the school advisory council
507 approves the use of a program that does not include a textbook
508 as a major tool of instruction. The district school board has
509 the following specific duties:

510 (a) *Courses of study; adoption*.—Adopt courses of study for
511 use in the schools of the district.

512 (b) *Textbooks*.—Provide for proper requisitioning,
513 distribution, accounting, storage, care, and use of all
514 instructional materials furnished by the state and furnish such
515 other instructional materials as may be needed. The district
516 school board shall assure that instructional materials used in
517 the district are consistent with the district goals and
518 objectives and the curriculum frameworks adopted by rule of the
519 State Board of Education, as well as with the state and district
520 performance standards provided for in s. 1001.03(1).

521 (c) *Other instructional materials*.—Provide such other
522 teaching accessories and aids as are needed for the school

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523 district's educational program.

524 (d) *School library media services; establishment and*
525 *maintenance.*—Establish and maintain a program of school library
526 media services for all public schools in the district, including
527 school library media centers, or school library media centers
528 open to the public, and, in addition such traveling or
529 circulating libraries as may be needed for the proper operation
530 of the district school system.

531 Section 8. Subsection (4) of section 1006.40, Florida
532 Statutes, is amended to read:

533 1006.40 Use of instructional materials allocation;
534 instructional materials, library books, and reference books;
535 repair of books.—

536 (4) The funds described in subsection (3) which district
537 school boards may use to purchase materials not on the state-
538 adopted list shall be used for the purchase of instructional
539 materials or other items having intellectual content which
540 assist in the instruction of a subject or course. These items
541 may be available in bound, unbound, kit, or package form and may
542 consist of hardbacked or softbacked textbooks, replacements for
543 items which were part of previously purchased instructional
544 materials, consumables, learning laboratories, manipulatives,
545 electronic media, computer hardware, courseware, or software,
546 and other commonly accepted instructional tools as prescribed by
547 district school board rule. The funds available to district
548 school boards for the purchase of materials not on the state-
549 adopted list may not be used to purchase electronic or computer
550 hardware unless ~~even if~~ such hardware is bundled with software
551 or other electronic media, nor may such funds be used to

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552 purchase equipment or supplies. However, when authorized to do
553 so in the General Appropriations Act, a school or district
554 school board may use a portion of the funds available to it for
555 the purchase of materials not on the state-adopted list to
556 purchase science laboratory materials and supplies.

557 Section 9. Subsection (1) of section 1011.61, Florida
558 Statutes, is amended to read:

559 1011.61 Definitions.—Notwithstanding the provisions of s.
560 1000.21, the following terms are defined as follows for the
561 purposes of the Florida Education Finance Program:

562 (1) A "full-time equivalent student" in each program of the
563 district is defined in terms of full-time students and part-time
564 students as follows:

565 (a) A "full-time student" is one student on the membership
566 roll of one school program or a combination of school programs
567 listed in s. 1011.62(1)(c) for the school year or the equivalent
568 for:

569 1. Instruction in a standard school, comprising not less
570 than 900 net hours for a student in or at the grade level of 4
571 through 12, or not less than 720 net hours for a student in or
572 at the grade level of kindergarten through grade 3 or in an
573 authorized prekindergarten exceptional program;

574 2. Instruction in a double-session school or a school
575 utilizing an experimental school calendar approved by the
576 Department of Education, comprising not less than the equivalent
577 of 810 net hours in grades 4 through 12 or not less than 630 net
578 hours in kindergarten through grade 3; or

579 3. Instruction comprising the appropriate number of net
580 hours set forth in subparagraph 1. or subparagraph 2. for

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581 students who, within the past year, have moved with their
582 parents for the purpose of engaging in the farm labor or fish
583 industries, if a plan furnishing such an extended school day or
584 week, or a combination thereof, has been approved by the
585 commissioner. Such plan may be approved to accommodate the needs
586 of migrant students only or may serve all students in schools
587 having a high percentage of migrant students. The plan described
588 in this subparagraph is optional for any school district and is
589 not mandated by the state.

590 (b) A "part-time student" is a student on the active
591 membership roll of a school program or combination of school
592 programs listed in s. 1011.62(1)(c) who is less than a full-time
593 student.

594 (c)1. A "full-time equivalent student" is:

595 a. A full-time student in any one of the programs listed in
596 s. 1011.62(1)(c); or

597 b. A combination of full-time or part-time students in any
598 one of the programs listed in s. 1011.62(1)(c) which is the
599 equivalent of one full-time student based on the following
600 calculations:

601 (I) A full-time student, except a postsecondary or adult
602 student or a senior high school student enrolled in adult
603 education when such courses are required for high school
604 graduation, in a combination of programs listed in s.
605 1011.62(1)(c) shall be a fraction of a full-time equivalent
606 membership in each special program equal to the number of net
607 hours per school year for which he or she is a member, divided
608 by the appropriate number of hours set forth in subparagraph
609 (a)1. or subparagraph (a)2. The difference between that fraction

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610 or sum of fractions and the maximum value as set forth in
611 subsection (4) for each full-time student is presumed to be the
612 balance of the student's time not spent in such special
613 education programs and shall be recorded as time in the
614 appropriate basic program.

615 (II) A prekindergarten handicapped student shall meet the
616 requirements specified for kindergarten students.

617 (III) A full-time equivalent student for students in
618 kindergarten through grade 5 in a school district virtual
619 instruction program under s. 1002.45, or in a charter school
620 that offers full-time online instruction, shall consist of a
621 student who has successfully completed six courses in, or
622 learned the prescribed level of content of, a basic program
623 listed in s. 1011.62(1)(c)1.a. or b., or ~~and~~ who is promoted to
624 a higher grade level. A student who completes fewer than six
625 courses in, or who fails to learn the prescribed level of
626 content of, a basic program shall be calculated as a fraction of
627 a full-time equivalent student. The State Board of Education
628 shall adopt rules defining the term "a fraction of a full-time
629 equivalent student" for students in grades kindergarten through
630 5 who are enrolled in a virtual instruction program.

631 (IV) A full-time equivalent student for students in grades
632 6 through 12 in a school district virtual instruction program
633 under s. 1002.45(1)(b)1. and 2., or in a charter school that
634 offers full-time online instruction, shall consist of six full
635 credit completions in programs listed in s. 1011.62(1)(c)1.b. or
636 c. and 3. Credit completions can be a combination of either full
637 credits or half credits.

638 (V) A Florida Virtual School full-time equivalent student

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639 shall consist of six full credit or course completions in the
640 programs listed in s. 1011.62(1)(c)1.a. and b. ~~s.~~
641 ~~1011.62(1)(c)1.b.~~ for grades kindergarten ~~&~~ through 8 and the
642 programs listed in s. 1011.62(1)(c)1.c. for grades 9 through 12.
643 Credit completions can be a combination of either full credits
644 or half credits.

645 (VI) Each successfully completed credit earned under the
646 alternative high school course credit requirements authorized in
647 s. 1002.375, which is not reported as a portion of the 900 net
648 hours of instruction pursuant to subparagraph (1)(a)1., shall be
649 calculated as 1/6 FTE.

650 2. A student in membership in a program scheduled for more
651 or less than 180 school days or the equivalent on an hourly
652 basis as specified by rules of the State Board of Education is a
653 fraction of a full-time equivalent membership equal to the
654 number of instructional hours in membership divided by the
655 appropriate number of hours set forth in subparagraph (a)1.;
656 however, for the purposes of this subparagraph, membership in
657 programs scheduled for more than 180 days is limited to students
658 enrolled in juvenile justice education programs and the Florida
659 Virtual School.

660

661 The department shall determine and implement an equitable method
662 of equivalent funding for experimental schools and for schools
663 operating under emergency conditions, which schools have been
664 approved by the department to operate for less than the minimum
665 school day.

666 Section 10. Section 1012.57, Florida Statutes, is amended
667 to read:

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668 1012.57 Certification of adjunct educators.—

669 (1) Notwithstanding the provisions of ss. 1012.32, 1012.55,
670 and 1012.56, or any other provision of law or rule to the
671 contrary, district school boards shall adopt rules to allow for
672 the issuance of an adjunct teaching certificate to any applicant
673 who fulfills the requirements of s. 1012.56(2)(a)-(f) and (10)
674 and who has expertise in the subject area to be taught. An
675 applicant shall be considered to have expertise in the subject
676 area to be taught if the applicant demonstrates sufficient
677 subject area mastery through passage of a subject area test. The
678 adjunct teaching certificate shall be used for part-time
679 teaching positions.

680 (2) This section shall allow school districts to: ~~The~~
681 ~~intent of this provision is to allow~~

682 (a) School districts to Tap the wealth of talent and
683 expertise represented in Florida's citizens who may wish to
684 teach part-time in a Florida public school by permitting school
685 districts to issue adjunct certificates to qualified applicants;
686 and

687 (b) Tap the wealth of talent and expertise of in-state or
688 out-of-state individuals who seek to provide online instruction
689 to Florida students by permitting school districts to issue
690 adjunct certificates to qualified applicants.

691 (3) Adjunct certificateholders should be used as a strategy
692 to:

693 (a) Enhance the diversity of course offerings to all
694 Florida students;

695 (b) Provide rigorous courses in subjects for which there is
696 not enough demand to require a full-time educator; or

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697 (c) Reduce the teacher shortage; ~~thus, adjunct~~
698 ~~certificateholders should supplement a school's instructional~~
699 ~~staff, not supplant it. Each school principal shall assign an~~
700 ~~experienced peer mentor to assist the adjunct teaching~~
701 ~~certificateholder during the certificateholder's first year of~~
702 ~~teaching, and an adjunct certificateholder may participate in a~~
703 ~~district's new teacher training program. District school boards~~
704 ~~shall provide the adjunct teaching certificateholder an~~
705 ~~orientation in classroom management prior to assigning the~~
706 ~~certificateholder to a school.~~

707 (4) Each adjunct teaching certificate is valid during the
708 term of the contract between the educator and the school
709 district ~~for 5 school years and is renewable if the applicant~~
710 ~~has received satisfactory performance evaluations during each~~
711 ~~year of teaching under adjunct teaching certification.~~

712 ~~(2) Individuals who are certified and employed under this~~
713 ~~section shall have the same rights and protection of laws as~~
714 ~~teachers certified under s. 1012.56.~~

715 Section 11. This act shall take effect July 1, 2010.